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NOTIFICATIONS

No. PWC. 277/76/65. the 25th Oct. 79. The following draft of the rules which the Lt. Governor (Administrator) of the Union Territory of Mizoram proposes to made, in exercise of the powers conferred by section 18 of the Mizoram Road side Land Control Act, 1975. (Mizoram Act No 6 of 1976) is published, as required by sub-section (3) of the said section for the information of persons likely to be affected thereby.

Notice is hereby given that the said draft rules will be taken into consideration after three months from the date on which the copies of the Mizoram Gazette in which this notification is published are made available to the public.

Any objection or suggestion which may be received from any person with respect to the said draft rules before the expiry of the period so specified will be taken into consideration by the Government.

T. Gupta
Secretary to the Govt of Mizoram,
Public works etc. Departments.

DRAFT RULES

1 SHORT TITLE AND COMMENCEMENT. — (1) These rules may be called the Mizoram Roadside Land Control Rules, 1979. (2) They shall come into force at once.

2 DEFINITIONS. — In these rules, unless the context otherwise requires:—
(a) 'Act' means the Mizoram Roadside Land Control Act, 1975.
(b) 'form' means a form set forth in the Schedule to these rules ;

3 RESTRICTION ON STRUCTURES ETC. IN A CONTROLLED AREA No construction of new structures shall be allowed by the Collector in the controlled area under clause (e) of the proviso to section 6 of the Act excepting construction of retaining wall, pavement and drain connected with a structure beyond the controlled area.

4 APPLICATION TO RE-ERECT ETC. Every person desiring to obtain permission referred to in section 6 shall make an application in writing to the Collector in Form – I.

5 DOCUMENTS TO ACCOMPANY APPLICATION TO RE-ERRECT BUILDING. In case, of any application to re-errect a building the applicant shall submit the following with his application, namely :—

(1) Certified extracts from records maintained in the Directorate of Settlement or the Deputy Commissioner's office, as the case may be, in respect of Aizawl and Lunglei Districts and records maintained in the office of the Autonomous District Councils or in Circle Offices under such District Councils in respect of Chhimtuipui District, showing the names of owners, tenants and other particulars of the land to which the application relates.

(2) A site plan, fulfilling the following requirments :

(a) It shall be drawn to a scale of not less than 1 cm. to 2 metres, in the case of sites not exceeding half hectare 1 cm. to 8 metres in case of sites exceeding 4 hectares.

(b) It shall be prepared with sufficient accuracy to enable the site being identified and shall be submitted in triplicate in cloth-backed ferroprints or tracings.

(c) The plan shall show —

(i) the scale of the site;

(ii) boundaries of the site;

(iii) directions of the north point to the plan of the building or proposed building;

(iv) streets, or roads adjoining the site with their width clearly mentioned, all existing road-side trees, lamps posts, aerial electrical

line, if any, and any other feature or structures likely to affect the approach to the building or proposed building ;

(v) levels of the site and of plinth of the building or proposed building in relation to those of neighbouring road or roads by an elevation section ;

(vi) all existing buildings or structures on or over or under the site or projecting beyond it ;

(vii) surrounding buildings in outline within a distance of 7 metres from the boundaries of the site in relation to those boundaries of the site and the building or proposed building and, if known, the name of owners of adjoining houses and premises or vacant land ;

(viii) area occupied by the building.

(d) The building plan on a scale of not less than 1 cm to 2 metres. It shall be submitted in triplicate in cloth-backed ferro-prints or tracings and shall show—

(i) the scale ;

(ii) the direction of the north point to the plan ;

(iii) a plan of the ground floor aud other floors of the building with front elevation and one other elevation and typical section ;

(iv) the plinth, level of the building or proposed building with reference to the level at the centre of the street or road which the building is to about ;

(v) the level of the courtyard and open space in the building or proposed building in relation to the level of the centre of the street or road towards which the building or proposed building is to be drained.

(vi) the proposed method of draining the building or proposed building, the position and dimensions of all privies, urinals, drains stables dhobi-ghats, cattle-sheds, wells, compound walls gates, pillars and other appurtenances and the method of disposal of sewage, sullage and storm water ;

(vii) the means of access to the building or proposed building and its several floors ;

(viii) the number of storeys of the building or proposed building ;

(ix) addition to or alternation of and existing building or proposed building ; the new work shall be indicated on the building plan in distinctive colours a key to the colours being given on the plan.

(e) Specification of the proposed construction should be given in detail such as :—

(i) purpose for wich the building or proposed building is intended to be used ;

(ii) materials to be used in the construction ;

(iii) number of storeys ;

(iv) number of persons for which the accommodation is intended to be provided in the building or proposed building ;

(v) particulars of wells, latrines etc. to be provided.

6. DOCUMENTS TO ACCOMPANY APPLICATIONS TO MAKE OR EXTEND EXCAVATIONS ETC.—

In the case of an application to make or extend excavation or laying out means of access to a road, the applicant shall submit the following with his application, namely:—

(a) certified extracts as mentioned in rule 5 (1);

(b) Drawings and specifications, sufficient to enable the intention of an applicant to readily unmistakebly understood;

(c) Where an open drain is to be covered, a plan and section showing clearly how it is proposed to cover the drain in question and where a culvert is to be built showing the exact tunnel-size of culvert.

Note:- The plans shall conform to the requirements to rule 5(2)(a).

7. REGISTER OF APPLICATIONS.— On receipt of thet application under rule 4, the Collector shall cause it to be entered in a register to be maintained in his office in Form II.

8. PRINCIPLES ON WHICH PERMISSION TO BUILD ETC. WILL BE GRANTED.—

(a) Before deciding any application made to him under sub-section (1) of section 7 of the Act, the Collector shall call for the recommendations of the Executive Engineer, Public works Department in charge of the area and give due consideration there to provided that in case the said Executive Engineer so desires, the Collector shall give him a personal hearing also in the presence of the applicant.

(b) Re-erection will not in any case be allowed within the road-side land acquired by the Government to be part or the road.

(c) The opening of sullage towards the road shall not be permitted.

(d) The approach shall be in such a manner as not to interfere with or endanger the flow of trafic on the road.

(9) COLLECTOR TO INFORM EXECUTIVE ENGINEER PUBLIC WORKS OF DEPARTMENT OF PERMISSION GRANTED ETC.—

The collector shall inform the Executive Engineer, Public Works Department, of permission granted by him and conditions imposed, if any, under clause (a) of sub-section (2) of section 7 of the Act.

10. APPEALS.— Every appeal preferred under section 8 of the Act shall be heard on behalf of the Government by the Secretary to the Government of Mizoram Revenue Department (herein after called the "Appeallate authority") and shall be disposed of in the manner prescribed under sub-rule (5) hereunder.

(2) Every appeal against an order passed by the Collector under sub-section (2) of section 7 of the Act shall be filed by the aggrieved party in Form III if the order appealed against relates to grant of permission with conditions, and in Form IV if the order appealed against relates to refusal of permission.

(3) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the appeallate authority.

(4) (a) Every appeal shall —
(i) be in writing;
(ii) specify the name and address of the appeallant and the date of the order appealed against;
(iii) specify the date on which the order appealed against was communicated to the appellant;
(iv) contain a clear statement of facts of the case and grounds in support of the appeal;
(v) state precisely the relief prayed for; and be signed and verified by the appellant or an agent duly authorised by the appellant or an agent duly authorised by the appellant or in writing in this behalf;

(b) Every appeal shall be accompanied by —
(i) an authenticated copy of the order against which the appeal is made;
(ii) a copy of the application submitted under rule 4 of these rules;
(iii) any other document relating to the appeal;
(iv) a satisfactory proof of the payment of the fee prescribed under clause (c);

(c) A sum of Rs 100/- only as the fee for an appeal shall be deposited by every appellant in the office of the appellate authority and an authenticated copy of the receipt obtained therefor shall be annexed to every appeal. No appeal which is not accompanied by the aforesaid copy of the receipt shall be entertained by the appellate authority.

(d) Every appeal shall be submitted in quadruplicate and shall either be presented to the appellate authority by the appellant or his authorised agent in person or sent to such authority by registered post. When the appeal is presented by and agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such agent.

(e) On receipt of the appeal, the appellate authority shall endorse the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

11. Procedure to be followed by the appellate authority in dealing with and disposal of the appeal.-

(a) The appellate authority shall, as soon as may be after the appeal is filed before it, fix a date and venue for hearing of the appeal and give intimation of the same to the applicant and the Collector in Form V. While giving such intimation to the Collector, a copy of the appeal together with its enclosures shall also be sent to the Collector, and he shall be called upon to send to the appellate authority all the relevant records connected with the matter relating to the appeal.

(b) Where the material on record is insufficient to enable the appellate authority to come to a definite decision, it may take additional evidence and call for such further materials from the appellant or the Collector as it deems fit. Such materials shall form [illegible] before the party other than that from whom such record has been received has been given an opportunity to peruse such records and defend itself against anything contained there in which is detrimental to the interest of that party.

(c) Where an the date fixed for hearing or any date to which the hearing of the appeal may be adjourned the apeallant or his duly authorised agent does not appeal is called for hearing, the appeal shall be liable to be dismised.

(d) Where an appeal is dismised under clause (c) the appellant may, within 30 days from the date of dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in the opinion of the appellate authority, from appearing when the appeal was called for hearing, the appellate authority may restore the appeal on such terms as it thinks fit.

(e) The order passed by the appellate authority shall be in writing and shall state clearly the points before it for determination, the decision thereon, and the reasons for such decision.

(f) A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellant and a copy there of shall also be sent to the Collector and the Executive Engineer, Public Works Department.

12. Horizontal distance :— The horizontal distance from the edge of the road side land on either side of a schedule road, [illegible] ring such land as controlled area under section 3 of the Act, shall be five metres.

T. Gupta,
Secretary to the Govt. of Mizoram,
Public Works etc. Departments.

SCHEDULE
FORM 'I'
(SCHEDULE 4)
FORM OF APPLICATION

To

The Collector,

Sir,

In Pursuance of the provision of sub-section (I) of section 7 of the Mizoram Road side Land Control Act 1975, I/We seek permission to————————in the controlled area adjacent to ————road————————.

The following document as required by the rules, are attached :—

(a) Certified extracts from records maintained in the Directorate of Settlement or the Deputy Commissioner's Office as the case may be, in respect of Aizawl and Lunglei District and records maintained in the Office of the Autonomous District Councils or in Circle Offices under such District Councils in respect of Chhimtuipui District, about the land in question.
(b) Site plan.
(c) Building plan.
(d) Specification of proposed construction.
(e) Further information (if any)

Yours faithfully,
(Signature)
Full Address of the applicant.

F O R M - 11

(See rule 7)

REGISTER OF APPLICATIONS

Sl. No.	Name of road adjacent to which construction is desired.	Name of Village	Details of constn. applied for alongwith pass/ LSC/ Patta Nos. and situation etc	Order in brief alongwith conditions imposed, if any.	REMARKS
1	2	3	4	5	6

Note :— The register will be maintained Sub-Division wise. Entries in each register will be made road wise and village wise. Entries in columns 1 to 4 will be made on receipt of application and in column 5 after decision by the Collector.

FORM - III

Form of Memorandum of Appeal Under Section 8 of the Mizoram Roadside Land Control Act, 1975 in case of grant of permission with conditions (See Sub-Rule (2) of rule 10)

Before ... ...
... ...
... ...
Memorandum of appeal of Shri ... ...
... ... Appellant

V.S.

The Collector ... ... District ... ... — ... ... Respondent.

The appeal of Shri ... ... resident of ... ... District ... ... against the order ... ... dated ... ... passed by the Collector ... ... District ... ... under section 7 of the Mizoram Roadside Land Control Act 1975 show the as follows :-

(1) Under clause (a) of sub-section (2) of section 7 of the Mizoram Roadside land Control Act, 1975 (Act 6 of 1976) the appellant has been granted permission to (here mention whether the permission is to erect or recrect building or to make or extend excavations etc) subject to conditions mentioned in the order, in the roads-side land indicated below :—

(a) Area covered by Pass/LSC/Patta No. ... ...
(b) Name of village/Veng. ... ...
(c) Name of the road/street ... ...
(d) Sub-Division ... ...
(e) District ... ...

A copy of the order in question is attached hereto.

(2) The facts of the case are as under ;—
(here briefly mention the facts of the case)

(3) The grounds on which the appellant relies for the purpose of this appeal are as below :—
(here mention the grounds on which the appeal is made).

1.
2.
3.
4.

(4) In the light of what is stated above, the appellant respectfully prayeth that —

(a) the unreasonable condition (s) imposed be treated as annulled or it/they should be substituted for such other condition (s) as appears to be reasonable

or

(b) the unreasonable condition (s) .....
..... should be varied
in the following manner (here mention the manner in which the condition (s) objected to should be revised)

An amount of Rs. .... as fee for this eppeal has been paid vide receipt No. .... date ..... an authenticated copy of which is attached in proof of payment.

.....
Signature of the applicant.
Name in block letter .....
Occupation .....
Address : ....

Date .....

VERIFICATION

I ... ... (appelants name) appellant in the above memorandum of appeal/or duly authorised agent do hereby declare that what is stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature ... ...
Name ... ...
(in block letter)
Occupation ... ...
Address : ... ...

Date : ... ...

F O R M — IV

Form of Memorandum of Appeal under section 8 of the Mizoram Roadside Land Control Act, 1975, in case of refusal of permission (See sub-rule (2) of rule 10)

Before ... ... — ... — — — — — ... — ...

Memorandum of appeal of Shri — — — — —

FORM V

FORM OF NOTICE

(see clause (a) of rule 11)

Before _____
appellate authority on behalf of the Government as mentioned in section 8 of the Mizoram Roadside Land Control Act 1975 (Act 6 of 1976).

In the matter appeal No.————197 filed under sec 8 of the Mizoram Roadside Land Control Act, 1975 (Act 6 of 1976) by Shri ———————— (name and address of appellant).

V. S.
The Collector _____ District _____
Respondent.

Whereas Shri _____
name and address of the appellant has filed before the undersigned a memorandum of appeal against the order _____ dated _____ passed by the Collector _____ District _____ under section 7 of the Act.

Now, therefore, please take notice that the undersigned has fixed _____ 197 as the date of hearing of the aforesaid appeal. The hearing shall take place at _____ AM/PM on that date in the office of the undersigned at Aizawl. You are, therefore, called upon to appear before the undersigned at the appointed time and date and place either in person or a duly authorised agent, and explain your case. Please take notice that failure on your part to appear on the date of hearing, either in person or through a duly authorised agent, without showing sufficient cause to the satisfaction of the undersigned will make your appeal liable to be dismissed or decided expart.

Given under my hand and seal at ... ...
this ... ... day 19

... ...
(Signature)
Appellate Authority.

Memo No. ... ... Date ... ... 19 ... ...
Copy to :- The Collector, ... District ... ...

... ... for information, and necessary action. A copy of the aforesaid appeal along with its enclosures is sent herewith. He is requested to send to the undersigned all the relevant records connected with the matters relating to the appeal within ... ... days.

... ...

(Signature)
Appellate Authority.